

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Charles D. Mikell	:	Case No.05-27611GLT
Jacqueline H. Mikell	:	Chapter 13
Debtor(s)	:	
PNC Bank National Associates	:	
	:	Related to Document # 67
Movant(s)	:	
	:	
vs.	:	
Charles D. Mikell	:	
Jacqueline H. Mikell	:	Hearing Date
Respondent(s)	:	

TRUSTEE'S RESPONSE TO MOTION FOR ORDER DIRECTING PAYMENT OF FUNDS TO CLAIMANT PURSUANT TO 11 U.S.C. §347 AND 28 U.S.C §2401, et seq.

Ronda J. Winnecour, Chapter 13 Trustee, respectfully represents the following:

1. This case was filed on June 13, 2005.
2. Ronda J. Winnecour served as the Chapter 13 Standing Trustee in this case.
3. On November 24, 2008, the Trustee attempted to disburse to PNC Bank on its timely filed unsecured claim. The disbursement check was refunded, however, with a letter stating that the account had been closed.
4. The Trustee then lodged the funds unclaimed with the United States Bankruptcy Clerk.
5. PNC Bank now seeks payment of the funds lodged unclaimed. However, in its motion, PNC Bank appears to aver that it never received the dividend check due to a change in address. The averment is in error.
6. PNC Bank did in fact receive the dividend check, but voluntarily refunded it.

7. The refund could possibly imply that the account has been sold or transferred.
8. PNC Bank should demonstrate a present ownership interest in the funds.
9. If PNC Bank does in fact have a present ownership interest in the funds, it should be made to explain the basis for the refund.

WHEREFORE, the Trustee so reports to the Court.

RONDA J. WINNECOUR,
CHAPTER 13 TRUSTEE

Date: 6/18/14

by /s/ Jana S. Pail
Jana S. Pail - PA I.D. #88910
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th of June 2014, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire
Assistant U.S. Trustee
Suite 970, Liberty Center
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Pittsburgh PA. 15222

David Zive, Esquire
PNC Bank, National Association
1600 Market Street 28th Floor
Philadelphia PA 19103

William Kelleher, Jr., Esquire
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Pittsburgh PA 15222

Charles and Jacqueline Mikell
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Paul Goltz, Esquire
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/s/Dianne DeFoor
Office of Chapter 13 Trustee
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